

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1-3, 6-7, 9-10, 13, 15, 17-18, 21, 22, 24-25, 28, 30-31, and 37 have been amended.

Claims 4, 11, 19, 26, and 33 have been allowed, and claims 3, 6, 10, 13, 18, 21, 25, 28, 31, and 37 stand objected and have been indicated as being allowable if amended into independent form. Accordingly, claims 3, 6, 10, 13, 18, 21, 25, 28, 31, and 37 have been amended into independent form.

Claim 34 has been indicated as being rejected, but depends from allowed claim 33. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-39 are pending and under consideration.

REJECTION UNDER 35 USC 102

Claims 1, 2, 5, 7-9, 12, 14-17, 20, 22-24, 27, 29-30, 32, 34-36, and 38-39 stand rejected under 35 USC §102 as being anticipated by Matsuura, U.S. Patent No. 6,412,082. This rejection is respectfully traversed.

First, applicants again respectfully submit that the outstanding Office Action is improper for failing to particularly address each and every claimed feature, which requires review of features in independent claims and dependent claims. Dependent claim 16 is the only dependent claim that has been addressed.

In addition, the remaining rejected independent claims have been amended to require, the "flash memory", "ATAPI device", or the "storage system," to operable after selectable booting of the first and second booting programs and upon execution of the firmware program.

As referenced in the specification, the claimed firmware program is for operating the storage device and the drive can be operated after execution of the firmware.

Conversely, Matsuura merely sets forth two storage areas that can store a basic program and an application, with the basic program having at least a "boot portion." See Matsuura in col. 4, lines 53-62.

The boot program "performs the basic control for the computer or the other apparatuses (the receiver 5 in this embodiment), and includes, for example a boot program, a basic input/output system (BIOS), and an OS."

The potential remainder of the basic program may be a load program that installs an application program and is equivalent to an "installer," and may be included with the application program separate from the boot program.

Thus, the system of Matsuura is operable upon booting of the boot program, and does not need a separate "firmware" separate from the boot program, as claimed.

The Office Action has further indicated that the application program of Matsuura corresponds to the claimed firmware.

However, as noted above, the application program of Matsuura does not have any control of the operability of the memory of Matsuura. The boot program of Matsuura already performs all of the needed features for loading and operating the system of Matsuura, and no further firmware would appear necessary or desired.

Thus, in cooperation with the remainder claim features, Matsuura fails to disclose or suggest at least the claimed "flash memory", "ATAPI device", or the "storage system," to operable after selectable booting of the first and second booting programs and upon execution of the firmware program.

Accordingly, it is respectfully requested that this rejection be withdrawn and claims 1, 2, 5, 7-9, 12, 14-17, 20, 22-24, 27, 29-30, 32, 34-36, and 38-39 be allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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